

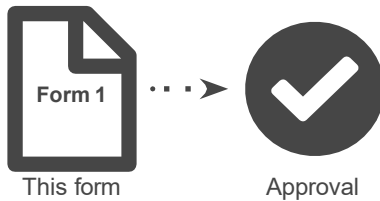


Transfer Ownership

# Form 1

## Pre-Approval to Transfer a Water Share

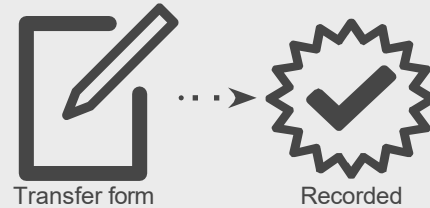
### Water Corporation



#### Approve the water share transfer

Lodge this application with your water corporation and when approved, the seller or seller's agent will be sent a **Transfer of Water Share form**.

### Water Registrar



#### Record the water share transfer

Both seller(s) and buyer(s) are required to sign the **Transfer of Water Share form** and submit to the Water Registrar for recording.

## Checklist to help you complete this application form

- [Water share owner identity check](#) for each water share owner, will need to be completed.
- All entitlement storage fees must be paid prior to submitting this application.
- Companies must attach an [ASIC company extract](#) that is less than 12 months old. **Two directors or one director & secretary** are required to sign.
- Incorporated associations must attach an [incorporated association extract](#) that is less than 12 months old. The listed secretary is required to sign.
- The application must be submitted complete with payment, to the seller's water corporation by mail, in person or emailing a scan of the original hand-signed application.

**Do not** use this form if you are selling your water with your land. Contact your water corporation who will provide you with a single pre-filled form tailored to meet your requirements.

## More information

If you require more information or wish to know the progress of this application you can track the application at [www.waterregister.vic.gov.au](http://www.waterregister.vic.gov.au) or contact your **water corporation**. For payment options please contact your **water corporation**:

### Goulburn-Murray Water

40 Casey Street  
PO Box 165  
Tatura 3616

☎ 1800 013 357

✉ [watershares@gmwater.com.au](mailto:watershares@gmwater.com.au)

### Lower Murray Water

741-759 Fourteenth Street  
PO Box 1438  
Mildura 3502

☎ 1800 808 830

✉ [applications@lmw.vic.gov.au](mailto:applications@lmw.vic.gov.au)

### Southern Rural Water

88 Johnson Street  
PO Box 153  
Maffra 3860

☎ 1300 139 510

✉ [srw@srw.com.au](mailto:srw@srw.com.au)

**A****Sellers agent or solicitor**

**i** By completing this section the seller has agreed for the agent to receive correspondence regarding this application, including the **Transfer of Water Share form**.

Company

Given name

Surname

Your Reference

Postal address

Postcode

Phone

Email

**B****Buyers agent or solicitor**

**i** By completing this section the buyer has agreed for the agent to receive correspondence regarding this application.

Seller's agent is the same as the buyer's agent

Company

Given name

Surname

Your Reference

Postal address

Postcode

Phone

Email



**D****Seller(s) of the water share - continued**

Given name

Middle name(s)

Surname

**3**

Date of birth

 /  /    

Signature

**Contact information**

Postal address

Postcode

Phone

Email

Given name

Middle name(s)

Surname

**4**

Date of birth

 /  /    

Signature

**Contact information**

Postal address

Postcode

Phone

Email

**D2 Company sellers****i** You must attach an *ASIC company extract* or an *incorporated association extract* less than 12 months old to this application.

Company name

**1**


Postal address

Postcode

Phone

Email

Given name

Surname

Signature

**1**




Position

Given name

Surname

Signature

**2**




Position

 For more sellers use Annexure to Form 1 (annexure 1), from <http://waterregister.vic.gov.au/about/forms-and-fees/water-share-forms>.

**E**

**How will the water share be used (buyer to complete)**

**Allocation account (ABA)**

Would you like to create a new allocation account?

- Yes  Please create a new allocation account for the water share in the buyer's name(s).
- No  Please use the following allocation account (all ABA holders must sign section G - refer to explanatory notes)

→

**Water-use licence/registration**

If you would like to directly link the water share to the water-use licences / registrations, list them here. By leaving this section blank the water share will not be directly linked to and water-use licence / registration.

<input type="text" value="W"/>	<input type="text" value="U"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="W"/>	<input type="text" value="U"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="W"/>	<input type="text" value="U"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text" value="W"/>	<input type="text" value="U"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**i** By requesting these direct links, the ABA holder is also applying for a general place of take (GPT) approval. This is your approval to take water from a specific place on a river or in a district (i.e a service point). Refer to the **Place of Take Approvals** explanatory note for more details on GPT approvals.

If you are a river diverter, your new GPT approval will be issued with zero extraction share which means that during river restrictions you cannot take water. Talk to your water corporation about your options to obtain extraction share.

**F**

**Buyer(s) of the water share**

**i** The default will be for the water share purchased to be held as sole/joint owners by the buyers named below. If you wish to record the buyers as tenants in common tick this box  and complete F1 and/or F2 and **Annexure to Form 1 (annexure 3)**. Please print full names in capital letters.

**F1 Individual buyers (provide your full legal names)**

**i** For companies go to F2 company buyers.

**1**

Date of birth   /   /

**Signature**

**Contact information**

Postal address

Phone  Email

**2**

Date of birth   /   /

**Signature**

**Contact information**

Postal address

Phone  Email

F

## Buyer(s) of the water share - continued

3

Given name  Middle name(s)  Surname

Date of birth   /   /

Signature

**Contact information**

Postal address  Postcode

Phone  Email

4

Given name  Middle name(s)  Surname

Date of birth   /   /

Signature

**Contact information**

Postal address  Postcode

Phone  Email

## F2 Company buyers

**i** You must attach an [ASIC company extract](#) or an [incorporated association extract](#) less than 12 months old to this application. Please print full names in capital letters.

1

Company name

Postal address  Postcode

Phone  Email

*I / we are authorised to sign for this company*

1

Given name  Surname  Signature

Position

2

Given name  Surname  Signature

Position

For more buyers use Annexure to Form 1 (annexure 2), from <http://waterregister.vic.gov.au/about/forms-and-fees/water-share-forms>.

**G**

**Allocation Account (ABA) holder(s)**

**i** If you have nominated water-use licences / registrations and ABAs in section E, then any ABA holders that have NOT already signed section F must sign this section. Please print full names in capital letters.

**G1 Individual ABA holders (provide your full legal names)**

**i** For companies go to G2 company ABA holders.

**1**

Given name  Middle name(s)  Surname

Date of birth  /  /

Signature

**Contact information**

Postal address  Postcode

Phone  Email

**2**

Given name  Middle name(s)  Surname

Date of birth  /  /

Signature

**Contact information**

Postal address  Postcode

Phone  Email

**3**

Given name  Middle name(s)  Surname

Date of birth  /  /

Signature

**Contact information**

Postal address  Postcode

Phone  Email

**4**

Given name  Middle name(s)  Surname

Date of birth  /  /

Signature

**Contact information**

Postal address  Postcode

Phone  Email

G

## Allocation Account (ABA) holder(s) - continued

## G2 Company ABA holders

**i** You must attach an *ASIC company extract* or an *incorporated association extract* less than 12 months old to this application. Please print full names in capital letters.

Company name

1

Postal address

Postcode

Phone

Email

*I / we are authorised to sign for this company*

Given name

Surname

Signature

1




Position

Given name

Surname

Signature

2




Position

Company name

2

Postal address

Postcode

Phone

Email

*I / we are authorised to sign for this company*

Given name

Surname

Signature

1




Position

Given name

Surname

Signature

2




Position

For more holders use Annexure to Form 1 (Annexure 4), from <http://waterregister.vic.gov.au/about/forms-and-fees/water-share-forms>.



## Explanatory notes

### Water Share Transfer Approval and Recording

Transferring a water share is a two-step process. Firstly, the water corporation must approve the transfer. Secondly, the transfer of ownership must be recorded by the Water Registrar. The transfer is not effective until it has been recorded. The diagram below outlines the transfer process:

#### Water Corporation



##### This Form

Lodge this application with the seller's Water Corporation to seek approval to transfer whole or part of a water share.



##### Approval

Upon approval of this application the water corporation will send the seller or seller's agent a **Transfer of Water Share Form**.

#### Water Registrar



##### Transfer Form

Both the seller(s) and the buyer(s) need to sign the **Transfer of Water Share Form** and submit to the Water Registrar within two calendar months from the date of the water corporation's approval.



##### Recorded

The Water Registrar will record the transfer, and the buyer(s) will become the owners of the water share. Before the Water Registrar can record the transfer all mortgages on the water share must be discharged, or the mortgagee has consented to the transfer of the mortgage.

#### Recording information

- It is a statutory requirement for the Transfer of Water Share form to be lodged with the Water Registrar within two calendar months from the date of the water corporation's approval. If the Transfer form is not lodged within that time the Water Registrar cannot record the transfer, and the transfer will be rejected. If the buyer and seller still wish to proceed with the transfer they will need to reapply for the water corporation's approval.
- Before the Water Registrar can record the transfer all mortgages on the water share must be discharged, or the mortgagee has consented to the transfer of the mortgage.
- If a limited term transfer is recorded against the water share being transferred, it remains on the water share until it expires or is surrendered. A water share transfer does not expire a limited term transfer.
- The buyer does not own the water share until it has been recorded. This means any allocation received between the water corporation's approval and recording will go to the sellers' allocation account (ABA).

#### Transferring your water share with land

This application is to transfer your water share only. If you are transferring your water assets (i.e. water share, allocation, works licence, and delivery share) with your land contact your water corporation. The water corporation will provide you with a single pre-filled form that will facilitate the transfer of all these water assets in a single transaction.

#### Transferring part of a water share

Transferring part of a water share automatically cancels the original water share and creates two new water shares in the seller's name. The two new water shares will continue to exist even if the Water Registrar does not record the transfer.

#### If the seller or buyer is a company or incorporated association

Companies must attach an ASIC company extract that is less than 12 months old. Two directors or one director and secretary are required to sign. Incorporated associations must attach an incorporated association extract that is less than 12 months old. The listed secretary is required to sign.

#### Allocation

Transferring a water share does not transfer the allocation account (ABA) or any of the allocation held in the ABA.

If the allocation account holder wishes to transfer the allocation or amend the allocation account holders, the following can be completed:

- Form 39 Application to Trade Allocation; or
- Form 44 Application to Amend Allocation Account Holders

#### Nominating an allocation account (ABA)

The buyer can nominate an existing allocation account (ABA) to link with the water share they are buying if the ABA has the same trading zone as the water share. If the nominated ABA is held by other parties, the buyer is also applying for a standing assignment under which the rights to future allocation from the water share is transferred to the holders of that account. If the water share and the nominated ABA are not compatible the water corporation will issue you a new ABA.

#### Using water on land

Allocation derived from the water share can be used on the land (water-use licence or registration) that is linked to the ABA without directly linking the water to the water-use licence or registration. You can link your water-use licence or registration to an ABA using Form 40, and in some circumstances a Form 24.

#### Direct link to the water-use licence and registration

This form can be used to directly link a water share to a water-use licence and registration. Please note a water share does not need to be linked directly to a water-use licence and registration.

#### Water share ownership

Like land, a water share can be owned as:

- **Sole owner** - where only one person/ legal entity owns the water share, or as
- **Joint owners** - where two or more people/ legal entities own a water share together and if one joint owner dies, the whole of the water share remains with the surviving joint owners, or as
- **Tenants in common** - where two or more people/ legal entities own a defined portion of a water share. Under this arrangement an owner can sell their portion without the approval of the other owners. If one of the owners dies the portion that they own passes in accordance with their Will.
- **Tenants in common owning their portions as joint owners** - where two or more people/ legal entities own a defined portion of a water share.

## Place of take approvals

**Note: Notional rationing rate under the *Water Act 1989* is referred to as 'extraction share' in this form.**

As a part of this application, the holder(s) of the ABA in section E are also applying for an approval to take their water at each service point (pump or outlet) linked to the water-use licence or registration (if they do not already hold such approval). This *general place of take approval* (GPT) authorises the ABA holder(s) to take water from the identified approved place (at the service point), subject to any terms and conditions on the GPT. If their ABA also has a water allocation balance, a water share, or a lease agreement for a water share - they are also applying for a *particular place of take approval* which will allow them to take water at the approved place.

If you are a river diverter, your GPT will also include your extraction share (ML/day):

- The extraction share is the basis on which restrictions will be imposed when river restrictions are required, meaning that if river restrictions are in effect for a river reach, the proportion of the holder's extraction share they are authorised to take during that period will be announced.
- During periods of normal river flow, the extraction share does not constrain the holder's right to take water.
- It is an offence to fail to comply with an announced river restriction.
- In uncapped areas, you may apply for extraction share to be issued on your GPT via a Form 14 (Vary Extraction Share) in line with your annual use limit and subject to Ministerial Rules.
- In capped areas, no new extraction share will be issued. This means that to obtain extraction share you will need to source and apply for the transfer of extraction share (Form 16), subject to assessment in line with Ministerial Rules.

If you are a district user, your GPT will not include an extraction share as your delivery share is used to manage restrictions if needed.

Holders of a GPT may also be subject to prohibitions in prescribed circumstances. For example, the taking of water from one trading zone that is 'tagged' for use in another trading zone is prohibited when allocation trade between those zones is prohibited.

More information is available at: <https://www.waterregister.vic.gov.au/water-entitlements/about-entitlements/place-of-take-approvals>

## Refusal of the Application

The water corporation will send a letter to the water share owner(s), lodging agent, and the proposed buyer(s) advising that the application was refused.

After refusal, if the water share owner(s) wish to resubmit the water share transfer again, a new application form will need to be lodge with another application fee.

## What is happening under the *Water Act 1989*

This form is an application, where applicable, for the Minister's approval to:

- transfer a water share (under section 33X);
- divide a water share (under section 33Y);
- vary the water share (under section 33R);
- give a standing assignment (under section 33TA);
- revoke a standing assignment (under section 33TB);
- obtain a general place of take approval (under section 64FC); and
- obtain a particular place of take approval (under section 64FZJ).

## Water share copy of record

A copy of the Water Share' record (copy of record) can be purchased from [www.waterregister.vic.gov.au](http://www.waterregister.vic.gov.au). The copy of record provides full details of the water share including its ownership, volume, water system and reliability, and encumbrances that may be recorded against it like mortgages and limited term transfers.

## More information

If you require more information, wish to know the progress of this application or for payment options please contact your **water corporation**:

### Goulburn-Murray Water

40 Casey Street  
PO Box 165  
Tatura 3616

☎ 1800 013 357

✉ [watershares@gmwater.com.au](mailto:watershares@gmwater.com.au)

### Lower Murray Water

741-759 Fourteenth Street  
PO Box 1438  
Mildura 3502

☎ 1800 808 830

✉ [applications@lmw.vic.gov.au](mailto:applications@lmw.vic.gov.au)

### Southern Rural Water

88 Johnson Street  
PO Box 153  
Maffra 3860

☎ 1300 139 510

✉ [srw@srw.com.au](mailto:srw@srw.com.au)

### Privacy and access to information

The Department of Energy, Environment, and Climate Action (DEECA), Goulburn-Murray Water, Lower Murray Water and Southern Rural Water (water corporation) are committed to protecting personal information provided by you in accordance with the privacy principles in the Privacy and Data Protection Act 2014 (Vic). The information you provide will be used by the water corporation to process your application and to manage your entitlements in the Victorian Water Register (VWR). Your information will be collected by your water corporation and submitted to the VWR which is managed jointly by DEECA and the water corporations. Failure to provide details as requested may mean that your application cannot be processed. All information may be made available to other authorised government departments, agencies, and contractors for use in the ongoing administration of any entitlements, and your contact details may be used to survey you about your experience with the VWR. This information is being collected in accordance with the *Water Act 1989*. You may access your information you have provided to the VWR by contacting us at [waterregister.support@delwp.vic.gov.au](mailto:waterregister.support@delwp.vic.gov.au) or call 136 186.